

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 12-0504
)	
Kole Clapsaddle,)	
d/b/a Chief Saunooke Bear Park,)	
)	
Respondent.)	Complaint

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159), hereinafter referred to as the Act, and the regulations (9 C.F.R. §§ 1.1-4.11) issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Kole Clapsaddle, hereinafter referred to as respondent, is an individual whose mailing address is P.O. Box 296, Webster, North Carolina 28788, and is doing business as Chief Saunooke Bear Park, whose mailing address is 87 Big Cove Road, Cherokee, North Carolina 28779.

B. The respondent, at all times material hereto, was licensed and operating as an exhibitor as defined in the Act and the regulations.

II

On December 7, 2009, the respondent willfully violated section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standard specified below:

1. A sufficient number of adequately trained employees were not utilized to maintain the prescribed level of husbandry practices (9 C.F.R. § 3.132).

III

A. In March 2010, during public exhibition, respondent failed to maintain a sufficient distance or barrier between animals and the general viewing public so as to assure the safety of the animals and the public (9 C.F.R. § 2.131(c)(1)).

B. In March 2010, the respondent willfully violated section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standard specified below:

1. A sufficient number of employees were not utilized to maintain the prescribed level of husbandry practices (9 C.F.R. § 3.132).

IV

A. On July 14, 2010, during public exhibition, respondent failed to maintain a sufficient distance or barrier between animals and the general viewing public so as to assure the safety of the animals and the public (9 C.F.R. § 2.131(c)(1)).

B. On July 14, 2010, during public exhibition, respondent failed to maintain dangerous animals such as bears under the direct control and supervision of a knowledgeable and experienced animal handler (9 C.F.R. § 2.131(d)(3)).

V

A. On July 21, 2010, during public exhibition, respondent failed to maintain a sufficient distance or barrier between animals and the general viewing public so as to assure the safety of the animals and the public (9 C.F.R. § 2.131(c)(1)).

B. On July 21, 2010, during public exhibition, respondent failed to maintain dangerous animals such as bears under the direct control and supervision of a knowledgeable and experienced animal handler (9 C.F.R. § 2.131(d)(3)).

C. On July 21, 2010, respondent failed to provide food for public feeding that was appropriate to the type of animal and its nutritional needs and diet (9 C.F.R. § 2.131(d)(4)).

VI

A. On August 9, 2010, APHIS found that respondent had failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine to provide daily observation of all animals to assess their health and well-being, in willful violation of section 2.40(b)(3) of the regulations (9 C.F.R. § 2.40(b)(3)).

B. On August 9, 2010, the respondent willfully violated section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Housing facilities for animals were not structurally sound and maintained in good repair so as to protect the animals from injury, to contain the animals securely, and to restrict the entrance of other animals (9 C.F.R. § 3.125(a));
2. Food receptacles for animals were not kept clean and sanitized (9 C.F.R. § 3.129(b)); and
3. Animals in primary enclosures were not maintained in compatible groups (9 C.F.R. § 3.133).

VII

A. On November 2, 2010, APHIS found that respondent had failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine to provide daily observation of all animals to assess their health and well-being, in willful violation of section 2.40(b)(3) of the regulations (9 C.F.R. § 2.40(b)(3)).

B. On November 2, 2010, the respondent willfully violated section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standard specified below:

1. Housing facilities for animals were not structurally sound and maintained in good repair so as to protect the animals from injury, to contain the animals securely, and to restrict the entrance of other animals (9 C.F.R. § 3.125(a)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint. The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and


2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder;

(b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149); and

(c) Suspending or revoking respondent's license under the Act.

Done at Washington, D.C.
this 27th day of June, 2012


Acting Administrator
Animal and Plant Health Inspection Service

Buren W. Kidd
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
Washington, D.C. 20250-1400
Telephone (202) 720-2633